

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LUKE A. HOLLEY

V.

**DR. MARK T. ESPER, in his official
capacity as the SECRETARY OF
DEFENSE**

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No. 5:20CV93-CMC

ORDER

On February 1, 2018, the above-entitled and numbered cause of action was referred to the undersigned for all purposes by the consent of the parties. The following motion is before the Court:

Defendant's Motion to Quash Subpoena (Docket Entry # 38).

Defendant Dr. Mark T. Esper, in his official capacity and as Secretary of Defense ("Defendant") filed his motion to quash the subpoena of Mr. Ronnie L. Fields and Ms. Linda Ainsworth on June 9, 2021. Plaintiff Luke A. Holley ("Plaintiff") did not file a response to Defendant's motion within the time prescribed by the Local Rules.¹

Therefore, on July 7, 2021, the Court ordered Plaintiff, to the extent he opposes Defendant's motion to quash, to file a response in opposition to Defendant's motion on or before July 15, 2021. Plaintiff was advised that failure to file a response within the time prescribed might result in an order granting the motion. Plaintiff has not filed a response in opposition to Defendant's motion to quash. Accordingly, it is

¹ Pursuant to Local Rule CV-7, a party has fourteen days (twenty-one days for summary judgment motions) in which to file a response to a motion, after which the Court will consider the submitted motion for decision.

Local Rule CV-7(d) provides that a "party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion."

ORDERED that Defendant's Motion to Quash Subpoena (Docket Entry # 38) is
GRANTED.

IT IS SO ORDERED.

SIGNED this 19th day of July, 2021.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE